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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,668	05/14/2001	Sung Jin Park	P-216	6826

34610 7590 02/23/2004

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EXAMINER	
NGUYEN, CHANH DUY	
ART UNIT	**PAPER NUMBER**
2675	7

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/853,668	PARK	
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) *1-13,19-23,29-31,38-42,48-54,57 and 58* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-18,24-28,32-37,43-47,55,56 and 59-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on December 12, 2003 has been entered and considered by examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-17, 24-28, 32-36, 43-47, 55-56 and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Hetzler (U.S. Patent No. 5,954,820).

As to claim 14, Hetzler discloses a computer readable medium having stored thereon a sequence of instructions which, when executed by a processor, cause the processor to perform the steps of monitoring a system to determine whether for a certain display related processes are running (e.g., determining whether keystrokes is inputted or not); see column 8, lines 8-13. Hetzler teaches a step of maintaining the brightness of the display if the certain display related processes are running (backlight is turned on when a user is viewing the display) and reducing the brightness of a display if the certain display related processes are not running (backlight 13 is turned off when a user is not viewing the display); see column 3, lines 2-9 and column 5, lines 13-50 and column 8, lines 8-13.

While this is unlike Applicant's disclosed device it reads on the broad claimed language.

As to claim 33, this claim differs from claim 14 only in that claim 33 deletes the limitation computer-readable medium recited in preamble of claim 14. Thus, claim 33 is analyzed as previously discussed with respect to claim 14 above since claim 33 is broader than claim 14.

As to claim 32, this claim differs from claim 14 and 33 above only in that claim 32 is apparatus whereas claims 14 and 33 are method. Thus, apparatus claim 32 is analyzed as previously discussed with respect to method claims 14 and 33 above.

As to claims 15 and 34, Hetzler clearly teaches system being a computer (portable computer 41).

As to claims 16 and 35, Hetzler teaches a liquid crystal display screen (11).

As to claims 17 and 36, Hetzler clearly teaches monitoring for user input signal (i.e. keyboard activity); see column 3, lines 2-9.

As to claims 24 and 43, Hetzler teaches the monitoring step including determining whether a video process related device is in use ; see column 6, lines 17-64.

As to claims 25-26, 28 and 43-45, 47, Hetzler teaches the use DVD; see column 6, lines 17-18. It is known in the art that DVD could be either a readable and writeable memory and a read only memory.

As to claims 27, 46, 55, 59, 61 Hetzler clearly teaches a CD-ROM; see column 6, lines 17-18.

As to claims 56, 60, 62 Hetzler clearly teaches the display related processes not including user inputs via a mouse or a keyboard (see column 8, lines 8-13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 18 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetzler in view of Zenda (U.S. Patent No. 5,386,577).

As to claims 18 and 37, note the discussion of Hetzler above, Hetzler does not mention the step of determining whether the system is powered by an internal power source. Zenda teaches that " in response to the low battery state, a luminance control signal having a minimum luminance value is supplied to the flat panel display. When the personal computer is driven by the AC adapter, a luminance control signal having a maximum luminance value is supplied to the flat panel display"; see column 6, line 36 through column 7, line 6. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the step detecting the system being powered by an internal source (battery) to the power control of Hetzler so as to avoid the battery operation time being shortened more than necessary (see column 3, lines 35-45).

Response to Arguments

5. Applicant's arguments filed December 12, 2003 have been fully considered but they are not persuasive.

On page 15, second paragraph, applicant argues that claims 1, 6, 11-18, 24, 30-37, 43 and as well as added claims 50-62, read on elected species of Figure 2A. Examiner agrees that claims 14-18, 32-37 and 49, as well as new claims 55-56 and 59-62 read on the species of Figure 2A only, the claims 1, 6, 11-13, 24, 30-31 do not read on the species of Figure 2A, The new claims 50-52, 53-54, 57-58 are dependent on independent claims 1, 13, 31; thus, they are also withdrawn from consideration. Applicant now amended new limitation ""indicative of whether certain display related processes are running " to all withdrawn independent claims 1, 13, 31, and argues that "these claims are also generic to the species of Figures 2B-2F" 2F (see last two lines of second paragraph, page 15 of Remark). First of all, these claims are generic to species of Figures 2B-2F, not generic to the species of Figure 2A which is elected by applicant. Secondly, since applicant has received an action on the merits for the originally presented invention, the species of Figure 2A has been constructively elected by original presentation for prosecution on the merit without generic claim. According, claims 1-13, 19-23, 29-31, 38-42, 48-49 and new claims 50-52, 53-54, 57-58 are withdrawn from consideration as being direct to a non-elected invention.

On page 15, third paragraph applicant argues that Figure 2A of the present application is a flow chart illustrating a method according to an embodiment of the invention for adjusting a brightness of a display screen. However, Figure 2A does not

disclose the step of "determining central processing unit usage" as recited in claim 1 nor "the central processing unit activity falls below a minimum threshold" recited in claims 13 and 31. These claims read on species of Figure 2B disclosed on page 10 line13 through page 11, even acknowledged by applicant that these claims are generic to the species of Figures 2B-2F (see last two lines of second paragraph, page 15 of Remark).

On page 16, second paragraph, applicant argues that independent claim 1 has been amended to clarify that processor unit usage indicative of whether certain display related processor are running is determined. Again, Figure 2A does not disclose the step of "determining central processing unit usage" as recited in claim 1. The step of "determining central processing unit usage" reads on Species of Figure 2B. Secondly, Applicant has received an action on the merits for the originally presented invention, the species of Figure 2A has been constructively elected by original presentation for prosecution on the merit with no generic claim. According, claim 1 is withdrawn from consideration as being direct to a non-elected invention.

On page 16, third paragraph, applicant presents the same arguments as presented to claim 1. The argument is not persuasive for the same reasons as previously discussed with respect to claim 1 above..

On page 17, as to the Office Action rejected claims 14-17, 24-28, 32-36 and 43-47 under 35 U.S.C 1029b) as being anticipated by Hetzler, U.S. Patent No. 5,594,300, applicant argues that Hetzler determines whether to enter a power-save mode based on recent access history, not by determining whether certain display related processes are

running. First of all, Hetzler teaches not only determining whether to enter a power-save mode based on recent access history as applicant's argument, but also determining whether to enter a power-save mode based on key strokes or moving the pointing device (see column 8, lines 8-13). The key strokes or moving the pointing device clearly reads on certain display related processes are running.

As to claim 1, 13 and 31, applicant presented the same arguments with respect to claim 14 above. However, these claims are with drawn from consideration as these claims do not read on thee Species of Figure 2A which is elected by applicant.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

CN

C. Nguyen
February 20, 2004

Chanh Nguyen

CHANH NGUYEN
PRIMARY EXAMINER